



COMMONWEALTH OF KENTUCKY

ETHICS COMMITTEE OF THE KENTUCKY JUDICIARY

403 WAPPING STREET
FRANKFORT, KENTUCKY 40601

ANTHONY M. WILHOIT
Court of Appeals

THOMAS J. KNOPF
District Court

JOSEPH H. ECKERT
Circuit Court

B. M. WESTBERRY, CHAIRMAN
Attorney

UHEL O. BARRICKMAN
Attorney

JUDICIAL ETHICS OPINION JE-57

Formal

QUESTION: Is a district judge required to disqualify himself in a juvenile case in which his wife, as a social worker and employee of the Cabinet for Human Resources, will be involved as a witness?

ANSWER: Yes.

REFERENCES: SCR 4.300(c)(1)(d)(iv).

The judge's question is very clearly covered by SCR 4.300(c)(1)(d)(iv) which provides that:

A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

.....

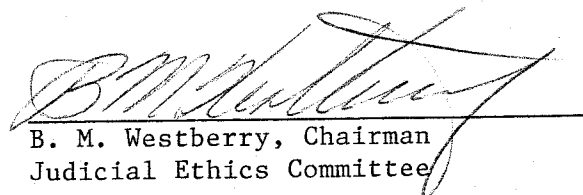
he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

.....

is to the judge's knowledge likely to be a material witness in the proceeding;

In the opinion of the Committee, a judge is required to disqualify himself in these circumstances.

Sincerely,


B. M. Westberry, Chairman
Judicial Ethics Committee